

## Remarks

Claims 1, 4-11 and 13-21 were pending.

Claims 4-11 are canceled.

Claims 1 and 21 are amended.

Claims 1 and 13-21 are now pending and are under consideration.

Claims 1 and 21 are amended to incorporate the subject matter of claims 6 and 11.

No new matter is added.

## Claim Rejections

Claims 1, 4-11, 13-15 and 17-20 are rejected under 35 USC 103(a) as being obvious over Fava, U.S. Pat. No. 5,460,634 in view of *Titanium Metals Corp. of America v. Banner*, 778 F.2d 775, 227 USPQ 773 (Fed. Cir. 1985).

Claims 16 and 21 are rejected under 35 USC 103(a) as being obvious over Fava in view of *Titanium Metals* and further in view of Piolet, U.S. pat. No. 4,934,303.

Claims 1, 4-15 (*sic*) and 17-21 are rejected under 35 USC 103(a) as being obvious over Cahill, U.S. Pat. No. 4,398,505 in view of Fava.

Claim 16 is rejected under 35 USC 103(a) as being obvious over Cahill in view of Fava and further in view of Piolet.

Applicants respectfully rebut the present rejections.

Fava discloses a diesel fuel with a cetane number greater than 50. Also disclosed is the use of 4-hydroxy-2,2,6,6-tetramethylpiperidinyloxy (Example 1). Generically disclosed is 2-ethylhexylnitrate (col. 5, lines 49-60).

As the present specification states, diesel fuel with a cetane number greater than 50 is a premium product. Cetane improvers may be employed with low cetane diesel fuels to increase the cetane number. However, cetane improvers may destabilize the fuel. Please see page 2 of the disclosure.

As the fuel specifically disclosed in Fava has a cetane number of 51.3 (Example 1), there is no need for a cetane improver. A skilled formulator would therefore not include a cetane improver. Therefore those skilled in the art cannot arrive at the present invention from the disclosure of Fava or from the combination of Fava with the other references.

The outstanding results of the present working Examples could not have been expected from the disclosure of Fava or from Fava in combination with the other references. The present claims are now aimed specifically at the subject matter of the working Examples.

The success of the present invention is demonstrated in Example 1 on page 13 of the specification. Without an organic nitrate, the fuel exhibits good filterability as shown by high reflectance. With an organic nitrate the reflectance drops from 94 to 69 percent. When a present nitroxide is present alone or together with an antioxidant, the filterability of fuel formulations with the destabilizing organic nitrate is greatly improved.

This success cannot be predicted or expected from the disclosure of Fava or from the combined disclosures of the cited art.

Applicants submit that the 35 USC 103(a) rejections are addressed and are overcome.

The Examiner is kindly requested to reconsider and to withdraw the present rejections.

Applicants submit that the present claims are in condition for allowance and respectfully request that they be found allowable.

Respectfully submitted,



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Attachments: Petition for a 1 month extension of time